

RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on

Thursday, April 7, 2022

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ROLL CALL: Council attendance was as follows: Mr. Denning, absent; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Frank Robinson, Police Chief; Kathy Bartlett, Public Service Director; Nia Holt, Zoning Administrator; Jim Miller, Associate Law Director; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Ms. Lommatzsch moved, seconded by Mr. Joseph, to excuse Deputy Mayor Denning. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: There were no additions/corrections.

APPROVAL OF AGENDA: Mr. Joseph moved, seconded by Mrs. Franklin, to approve the agenda. All were in favor. **Motion carried.**

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Williams led the pledge of allegiance. He asked for a moment of silence for the people of Ukraine.

PROCLAMATION: Mayor Williams presented a proclamation to Youseff Elzein recognizing April 2022 as National Arab-American Month. Mr. Elzein spoke a few words stating he has been in the community since 2001 with his kids graduating from Stebbins High School. He stated education is one of his core values. He spoke of other Arab-Americans who want businesses in Riverside and to work with the community.

BOARDS, COMMISSIONS, AND COMMITTEE APPOINTMENTS: Mr. Christopher Broach, 13 Halsey Drive, applied for the Budget Committee and provided his background to council indicating he is an Air Force veteran and is now a student at Wright State University and he wants to be involved in the community. He added that the city manager has filled him in on the budget committee thus far. Ms. Lommatzsch moved, seconded by Mr. Maxfield, to appoint Mr. Broach to the Budget Committee. All were in favor. **Motion carried.**

Mr. Troy Ward, 4331 Silverberry Avenue, applied for the Parks and Recreation Commission and provided his background indicating he was a graduate of Stebbins High School and is finishing his second degree at the Ohio State University. He had previously worked for the City of Kettering as a landscaper. He would like to serve his own community. Ms. Fry asked what he will bring to the parks and rec committee. Mr. Ward stated once he learns the needs, he can provide a better answer, but he thought maybe previously working with Kettering there may be some joint efforts there. He also stated with his degree in economics and econometrics he would want to see how investing in the parks can better the city and bring

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more growth. Mr. Maxfield moved, seconded by Mrs. Franklin, to appoint Mr. Ward to the Parks and Recreation Commission. All were in favor. **Motion carried.**

MINUTES: Mrs. Franklin moved, seconded by Mr. Maxfield, to approve the minutes of the March 3, 2022 council meeting, and the March 24, 2022 work session. All were in favor. **Motion carried.**

FINANCIAL REPORT: Mr. Garrett indicated the report in the packet is from February and March just closed yesterday. He stated through March for the quarter the net revenue excluding note proceeds and interfund transfers is about \$4.7 million. Mr. Rauch presented a graph of the first quarter income tax revenues. This is 'year zero' for the new income tax of 2.5%. He stated they have done better than previous years, but not where they thought they would be for this budget. They are still experiencing the changes of the impact with the new income tax. They will have a better idea in July of trends with an update of the chart. He stated this will be plugged into a budget book indicating where they have been, where they are now, and where they would like to go. Ms. Lommatzsch asked when they would receive their first quarter income tax bills from CCA. Mr. Garrett replied that they pay the first quarter on their own initiative when they file their income tax return. Mrs. Franklin moved, seconded by Mr. Joseph, to approve the February financial report. All were in favor. **Motion carried.**

LIQUOR LICENSE: Mr. Rauch stated that the liquor license process is operated by the state of Ohio. For every liquor license that comes before council, a background check is done and provided to council. On the application for Bleachers Sports Bar & Grill, some concerns came up for the owner Mr. Todd Anthony Smith. Chief Robinson stated they found the applicant had several different violations and have been arrested for some of those violations. The one that sticks out is that he has been cited already for a permit violation for providing or furnishing beer. He recommends the city have a hearing with regard to this. Mr. Rauch stated these things have come up as part of the city's due diligence process for looking at liquor license permits. It is the jurisdiction of liquor control to issue the license, but they need to ask for a hearing to get to that point and request a hearing. Chief Robinson added that they have already been to the location recently and there is no permit currently. There were open containers on the bar and they have filed this with the state of Ohio Division of Liquor Control.

Ms. Fry moved, seconded by Ms. Lommatzsch, to request a hearing in the county seat prior to any issuance of a liquor permit. All were in favor. **Motion carried.**

WRITTEN CITIZEN PETITIONS: Mayor Williams stated any citizen wishing to speak should fill out a petition and turn it in to the clerk. Some forms have already been turned in.

DEPARTMENT UPDATES:

A) Finance Department – Mr. Garrett stated they have participated in two rounds of demonstrations for software. They are now reviewing what they learned in the demos and will come back later with recommendations with which firm they want to go with. Mr. Rauch

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stated they are getting references for the vendors and will try to get this to them by the first meeting in May.

B) Administration Department – Mr. Lohr stated they have had seven applicants for the finance administrator. Five candidates were fully qualified for the position, unfortunately, three of them took positions at other places so they will be interviewing two candidates. Both are very qualified. He added they are updating the public records retention schedules, so they can incorporate the way they are using electronic records.

C) City Manager Report – Mr. Rauch stated they initially scheduled a work session next week to cover fireworks, noise, and other nuisance enforcement issues. He made a detailed request to Huber Heights, which does all the dispatch for Riverside, and they are having a difficult time with custom reports and are not able to fulfill his request rapidly. Because of that and with next Thursday being Holy Thursday, he thought to push the work session to the fourth Thursday of the month or until May. Secondly, he stated there will be a special meeting on Saturday, April 30, a council orientation/Riverside 101. They will have a presentation first then a tour of the building, down to 1791 with public service, police and fire, and the pole barn. The meeting will begin at 8:00 am ending around 11:00 am or noon.

PUBLIC COMMENT ON AGENDA ITEMS: Mayor Williams stated he will call people up to the podium in the order he received the forms. Speakers should state their name and address and keep their comments to three minutes.

Mr. Frank Smith, 4703 Byesville Blvd., stated he is tired of fighting Jerry Salmon's needing to spray his property as he continually produces a lot of dust. He stated he has been fighting this for 13 years, and the city has provided no help. He added that the city has something in place to make Jerry spray his property and they still get on his grass. He has put stakes up and stated they are staying up. He stated Salmon's hasn't fixed the right-of-way where he tore it up before. Trucks continue to drive on his grass as recently as last night. He spent \$16,000 for new siding and it is covered with dust from Salmon's. He stated the city gave him an illegal permit to be there and they shouldn't have. He stated he can't get help from anyone else and somebody needs to do something. He complained that the city does not come down to clean the street and it is dirty. He stated that just because it rains it doesn't mean the dust isn't there. He stated Salmon's has not sprayed since last June.

Mr. Dale Wilsdon, 4586 Northern Circle, expressed his concern for the 84 homes to be built north of his street. There are continual flooding issues throughout the neighborhood that need resolved. He stated additional homes would add to the problem. He discussed the issues with the creek being at its peak and continuous runoffs from the east side of the creek. He presented pictures to council and hopes they have looked at them. He commented on the rate of increase of the creek during rain at various times. He stated he and neighbors do not want the area to be rezoned from an R-1 to an R-3. He feels Dayton has already done them wrong by approving the project on their side. He doesn't want Riverside to follow Dayton. There are other purposes that land could be used for such as a botanical garden. He thanked Mr. Rauch and Ms. Holt for visiting their neighborhood.

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Mr. Roy Owens, 4618 Northern Circle, stated he has already contacted the city of Dayton for information. He worked for the government for 44 years, 26 years active duty and the rest as a civil servant. Part of his job has been to do analytical reviews. He stated the city of Dayton is punting everything to Riverside with regards to the drainage situation, environmental issues, and public safety. He stated that Riverside runs a deficit and has for 20 years; they are always behind and have levies. They just raised the income tax 60% to support EMS/Fire and police. Now, they are adding 230 homes, and while some are in Dayton, that portion will be in the Mad River School district and then there will be mutual aid as he believes Riverside is the closest fire station. He asked for a public safety study and was told it was not required. He asked for an environmental study and from what he read someone walked through the field and pulled the history and said there hasn't been toxic waste there, so they are good to go. He discussed what would happen in post development with regard to water, ground pollution, and lawn fertilizers that will be used on the properties. He asked what would happen to his well water if it becomes unusable. Everyone back in that neighborhood is in the same situation. He stated they are just asking the city to delay this until they figure out what is going happen. He would like to know the volume of water coming off that real estate. His training required him to figure out how much square footage of real estate, how much rain per hour, and how much goes into the drains. He stated it would be the same thing with the schools and that is their burden. He doesn't know how many kids that will add. He is asking them to delay the project.

Mr. Lance Oakes, 8534 Yankee Street, stated he is the applicant for the project near Northern Circle. He stated the site in Dayton that was approved was 45 acres. It was zoned industrial and there could have been a much more burdensome user that could have gone in rather than a housing development. All he is trying to do is carry the same theme to Riverside. He stated that he may not be able to solve all the problems or concerns, but they will engineer and make sure they are doing everything on their property to make it better. They have done all the required studies and he will share with anyone who would like the information. He stated they as the developer will not be using fertilizer or chemicals as that is up to the homeowner. They will not use anything that contaminates the ground water. A traffic study on Needmore is in process but not complete. He thinks the project will be successful. It is a product the Riverside housing market does not have today. He added he is working with Huber Heights to sell them the 9 acres on the northeast side of the property, so it would reduce the density to around 71 lots.

Richard Wacht, 4640 Northern Circle, stated he lives a little further than the 300' range to where everyone was notified. He stated this does concern him as all the properties around there now have acre size lots. If they were to apply the medium density to their properties that would mean he would have a house in his front yard and a house in his backyard. He moved out there to have a little bit of room. He asked where they are looking for additional access to this development or will all traffic come in through Needmore. This is additional traffic that will come through the area and he doesn't know how that will affect them.

Mayor Williams stated they are not considering a site plan for a housing subdivision this evening. They are only considering a change in the zoning of a private property from an R-1 residential to an R-3 residential. They are not discussing what might go where.

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Mr. Joe Cornor, 4669 Gary Drive, asked the mayor to further talk about what he just said. Mayor Williams stated they do not have the ability to comment tonight on what may or may not happen on a piece of private property currently zoned residential that has been recommended by the planning commission. He is happy to take any comments; they aren't answering any questions because they can't comment on a site plan that currently does not exist. Mr. Cornor stated he thinks Riverside has their hands full handling the property in the area at this time. He looks at Needmore Road and it is one of the worst roads in the area. He has to sit on Gary Drive 5-10 minutes just to get out. The traffic issues to allow any access to Northern Circle or Gary Drive would be a catastrophe. He added they don't have sidewalks, drainage, city water or city sewer. To populate the area behind them with that access to their area, people would be walking up and down the streets causing problems with residents as far as being in the middle of the street. They are somewhat rural where they live. It will affect all of them in the area. He stated it would great to understand the traffic study and the impacts on the road. To turn all the access to Needmore Road is a big consideration. They need to provide safety for the community and the Riverside people.

Mr. Stan Grizzell, 4696 Gary Drive, stated his area is a common interest shared community. The proposed development lacks continuity and is disproportionate to the existing neighborhood. He shares the concerns of his neighbors and the traffic adding to the volume is absurd. There is one access point as Huber Heights has shut it down. Huber Heights residents went to their council and they listened to them. They denied all access and to his knowledge it is a done deal. It will all get dumped out on Needmore. That is a safety concern; there are numerous fatalities there. His neighborhood is completely self-sufficient. They have no city water, no sewer, no storm drains, no street lights, no sidewalks, and no fire hydrants. If his house was in the Riverside portion of Forest Ridge, he would have all those amenities. He pays the taxes and receives none of that. His neighborhood was laid out and zoned as it was for a reason, for the continuity; they need to keep it that way. He discussed accidents in the area that are common. He asked they not remove the only benefit to living there - peace and serenity.

Mr. Todd A. Smith, 4245 Old Riverside Drive, introduced himself as a business owner to the city of Riverside. He is a Dayton native with a business in Riverside. He is an army veteran and has an associate degree in business management. He is the owner of Bleachers Sports Bar & Grill. His business is for family and friends to have food, fun, and a great time. He stated his background has caused him some issues. He has already had patrons who like the restaurant and stated it will not thrive if it does not have a liquor license. He stated it will bring jobs to Riverside; he will employ up to 12 employees. It will bring people to the restaurant to spend money there and at other establishments in Riverside. He just wanted to introduce himself to put a face with his name and place.

NEW BUSINESS

A. ORDINANCES

- I) Ordinance No. 22-O-792 – An ordinance by the council of the City of Riverside, Ohio approving a change in the district boundaries as shown**

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on the zoning map of the City of Riverside, Ohio for the property located at 4555 Northern Circle, Parcel ID N. 139 00802 0033 from R-1 Low-Density Single-Family Residential District to R-3, Medium-Density Residential District. (1st reading)

Mrs. Franklin moved, seconded by Ms. Lommatzsch, to approve the first reading of Ordinance No. 22-O-792. The clerk read the ordinance by title only.

Mr. Joseph asked about an access point for emergency services and by changing it from an R-1 to an R-3 there will be more traffic and it is not going to be accessible from Northern Circle. Mr. Rauch stated what he can say in reference to earlier discussions is that this only is on the rezoning. Ideas and suggestions from the city and from the developer along with concerns from residents assuming this moves forward will get finalized and formed into a subdivision plan. That all will come after the zoning process. With what he is bringing up, that is something that would have an internal review as part of the subdivision plan process. Public safety will need to review assuming this goes forward. As the plan goes forward it would be subject to a number of changes depending on the final layout, how many units, and other factors. Mr. Joseph asked about the part of the parcel being sold to Huber Heights. Mr. Oakes stated that there is not going to be any access in or off of Northern Circle. Regarding the nine acres on the other side of the stream adjacent to Thomas Cloud Park, he is working with Huber Heights not knowing if they will fulfill their end of the agreement, but wants it included in the rezoning and he may bring that back at a later date. He wants to make sure it is a win-win for all three parties.

Roll call went as follows: Mrs. Franklin, yes; Ms. Lommatzsch, yes; Ms. Fry, yes; Mr. Joseph, yes; Mr. Maxfield, no; and Mayor Williams, yes. **Motion carried.**

B. RESOLUTIONS

- I) Resolution No. 22-R-2754 – A resolution authorizing the city manager to enter into a contract with Fillmore Construction LLC as the lowest and best bidder for the 2022 Paving Program.**

Mr. Rauch stated this legislation authorizing repaving of Eastman, Lynnhaven, and Meyer.

Mrs. Franklin moved, seconded by Mr. Joseph, to approve Resolution No. 22-R-2754. All were in favor. **Motion carried.**

- II) Resolution No. 22-R-2755 – A resolution authorizing the city manager to enter into a contract with J&A Construction, Inc. for the 2022 Crack Sealing Program.**

Mr. Rauch stated this resolution is to perform crack sealing. They will use monies allocated to the Airway intersection project that they did not move forward with. The crack sealing will help to extend the life of the streets.

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Mr. Joseph moved, seconded by Mrs. Franklin, to approve Resolution No. 22-R-2755. All were in favor. **Motion carried.**

III) Resolution No. 22-R-2756 – A resolution by the Riverside City Council authorizing the assessment of delinquent charges for the cutting and removal of weeds, vegetation and/or grass to be placed on the Montgomery County Property Tax Duplicate.

Mr. Rauch stated this allows them to assess back delinquent charges for nuisance abatement on property parcels that have not paid and to recover the city's costs.

Mrs. Franklin moved, seconded by Ms. Fry, to approve Resolution No. 22-R-2756. All were in favor. **Motion carried.**

IV) Resolution No. 22-R-2757 – A resolution withdrawing the City's objection to Liquor Permit Number 0765030 held by Blue Nile Investment Group, LLC.

Mr. Rauch stated this resolution corrects an objection to two liquor permits associated with Blue Nile aka Oddbody's. One of the permits is being transferred to a legal entity in Cincinnati that has no connection to Oddbody's. This will lift the objection, so the business can proceed in Cincinnati. The remaining objection remains in place and they will see that process through.

Mrs. Franklin moved, seconded by Mr. Joseph, to approve Resolution No. 22-R-2757. All were in favor. **Motion carried.**

PUBLIC COMMENT ON NON-AGENDA ITEMS: Mayor Williams stated two people have requested to speak. He asked Ms. Freda Patterson to come to the podium and state her name and address and keep comments to three minutes.

Ms. Freda Patterson, 335 Marjorie Avenue, stated she has spoken to the city manager about securing the Rohrer Park building for use by Project Riverside. They wish to use it as a meeting place and storage for things related to Project Riverside, no personal storage, for this year. Eventually, they would like to use the concession. She stated Dan Ryan is a part of Project Riverside and has agreed to take care of any light maintenance issues at their cost. The only cost to the city would be major maintenance like electrical. They discussed an actual legal contract to rent from the city the first year period and would pay upfront. She wanted to see if they had any objections. Secondly, the first 2022 event is going to be the festival, and they plan to have a car show. She was seeking judges for the car show event. There will be a simple for they will prepare. They will also have a 'Mayor's Pick' as one of the winners as well. Mayor Williams stated any council member who has questions about the Rohrer building rental should contact the city manager. Mr. Rauch stated he just needs to know if anyone has any objections. Project Riverside did receive a 501(c)3 status from the state, so they can easily go into an agreement and have the legal team look at that. If

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there is no opposition, he will proceed and bring before council once it is ready. Ms. Patterson stated they have basic liability insurance as Project Riverside.

Ms. Francesca Hary, 913 Twin Oaks Drive, provided an update on the Burkhardt branch library that serves the citizens of Riverside. They have moved over to the new building, 4704 Burkhardt Road. They are learning about a “smart building” right now. They went from a good building serving the community to a very opulent and necessary building for the community. They are currently closed, but the book drop is open. They will have a soft opening on April 25, 2022, but they do not have a supporting parking lot. So, if they would like to come they need to park on the street. There will be a bigger grand opening in August. Mayor Williams stated that the new branch will be open from April 25 on, but will need to park on the street.

COUNCIL MEMBER COMMENTS: Mr. Maxfield stated the Riverside Amateur Baseball Association is having their annual fish fry this Saturday. They are trying to fundraise to build backstops for the baseball and softball diamonds in the community. It is \$15 pre-sale at the fields from 6:00 – 7:00 pm today and tomorrow or \$20 at the door. It will be all you can eat fish, hot dogs, fries, adult beverage or pop at the union hall close to Fricker’s on Woodman. There will also be lots of great raffle baskets and stuff to play.

Mrs. Franklin wished everyone a happy Easter and to enjoy this time with your family. She thanked Ms. Patterson for bringing good things to the community.

Mr. Joseph thanked Ms. Patterson for what she and Dan are doing in Riverside and bringing community engagement. He stated it was exciting to see the city recognize Arab-American heritage month. He added the weather is going to get nicer and it is important to get outside if you can for 30 minutes a day and be active. He lost his dad to a sudden heart attack at 60 years old, so any age should get out and walk and be active.

Mayor Williams thanked a few people at Spinning Hills who invited him to speak to a class. The teacher, Mr. Dodson, stated the students wanted to know how to become a leader. He stated the marker at Stebbins says, ‘Enter to Learn; Go forth to Serve’, not to lead but to serve. He was able to share that leadership is service and service is leadership. He heard it from one of the applicants who applied for a board/commission seat that young people starting their careers and trying to figure out how they can serve. He appreciates being asked to speak to the classroom. He added he was glad to see staff from the Burkhardt library. He shared how he would hang out at that library after school and that was how he met kids from other schools. He is excited for the new branch. He told how he has great memories of his brother Matt and they were only able to go to the library after school if Matt was with him and his brothers. He is thankful for the library that serves the residents of Riverside.

Ms. Lommatzsch stated she was at MVRPC this morning and a lot of information is online. She commented on the speed on Woodman/Harshman Road and they need to do something about it. She stated she spoke to two neighboring communities where she knows not to speed because they give tickets. She is aware they don’t have a lot of staff, but the speed on that road is a real issue. She asked about getting the speed signs that are stationary and solar

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powered and see if there is a grant for those. She stated that in the neighboring communities most of the people getting tickets don't live there. They are making money on those tickets. The traffic on Harshman and Woodman are for people going and coming from work and they are letting them go 70 mph. She stated the same problem is on Burkhardt and they need to do something about it. She stated she was glad to hear about the library.

Ms. Fry thanked Mayor Williams on his words on service and leadership. She was happy to see many community leaders in council this evening. She is excited to see new up and coming leaders join the boards and commissions. She shared that there is also an opportunity to help by donating blood on Monday, April 18, 2022. Anyone eligible to donate can sign up on www.donortime.com and look for Riverside to sign up. This will be the seventh blood drive they have conducted for the city. It is a much-needed resource.

EXECUTIVE SESSION: Mr. Maxfield moved, seconded by Mrs. Franklin, to go into executive session for matters related to trade secrets. Roll call went as follows: Mr. Maxfield, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.** Council went into executive session at 7:29 pm.

RECONVENE: Council reconvened at 7:46 pm.

LEGISLATION: Lease arrangements at the Wright Point Building


I) Resolution No. 22-R-2758 – A resolution by the Council of the City of Riverside, Ohio authorizing the city manager to enter into a lease with American Data Solutions, Inc.

Mr. Maxfield moved, seconded by Mr. Joseph, to approve Resolution No. 22-R-2758. All were in favor. **Motion carried.**

II) Resolution No. 22-R-2759 - A resolution by the Council of the City of Riverside, Ohio authorizing the city manager to enter into a lease with CDO Technologies, Inc.

Mrs. Franklin moved, seconded by Mr. Maxfield, to approve Resolution No. 22-R-2759. All were in favor. **Motion carried.**

ADJOURNMENT: Mr. Joseph moved, seconded by Mr. Maxfield, to adjourn. All were in favor. The meeting adjourned at 7:47 pm.


Peter J. Williams, Mayor
Clerk of Council

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